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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,569	07/22/2003	Akiko Miyano	Q76408	6558

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SUGHRUE-265550  
2100 PENNSYLVANIA AVE. NW  
WASHINGTON, DC 20037-3213

EXAMINER
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DESAI, ANISH P

ART UNIT	PAPER NUMBER
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1771

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/623,569

Applicant(s)

MIYANO ET AL.

Examiner

Anish Desai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/16/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

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Applicant's arguments in response to the Office action dated 10/18/06 have been fully considered.

1. Claims 1 and 9-16 are pending.
2. All of the previously made art rejections are maintained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 9-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vesley et al. (US 4,950,537), substantially as set forth in 10/18/06 Office Action.

Vesley teaches a foam like pressure-sensitive adhesive tape comprising a flexible carrier supporting one or more pressure-sensitive adhesive layers, at least one layer of the pressure-sensitive adhesive having a pigment-coated microbubbles dispersed therein (abstract). Further, Vesley teaches that the adhesive tape of the invention can have any desired color (column 2, lines 53-54). Moreover, Vesley discloses a double-coated (double-sided) adhesive tape at column 8, lines 39-43). The

Examiner is equating more than one layer of pressure-sensitive adhesive as a substrate as claimed in claim 1 and a supporting substrate as claimed in claims 15 and 16.

Vesley is silent as to teaching of substrate comprising colored layers comprising a white layer, a layer of color other than white and black which is a silver layer, and a black layer which are superposed in this order, supporting substrate is a transparent substrate film, supporting substrate is a white substrate film. However it is the Examiner's position that choosing a desired color is well known in the art, because Vesley teaches that the adhesive tape of the invention can have any desired color (column 2, lines 53-54). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the tape substrate comprising colored layers comprising a white layer, a layer of color other than white and black which is a silver layer, and a black layer which are superposed in this order, supporting substrate is a transparent substrate film, and supporting substrate is a white substrate film, motivated by the desire to provide aesthetically pleasing pressure-sensitive adhesive tape. Further with respect to claim 13, the recitation "for use in fixing a liquid-crystal display module unit to a backlight unit" is considered as a mere intended use of the double-sided pressure sensitive adhesive tape. Although, Vesley does not explicitly teach said intended use of the double-sided adhesive tape, it is the Examiner's position that in absence of any unexpected results, the double-sided pressure-sensitive adhesive tape of Vesley is capable of being used for such intended use.

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4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vesley

et al. (US 4,950,537) in view of Kameyama et al. (US 6,166,799) substantially as set

forth in 10/18/06 Office Action.

The invention of Vesley is previously disclosed. Vesley is silent as to teaching of

a liquid crystal display comprising a liquid-crystal display module unit and a backlight

unit, wherein the display module unit and the backlight unit being fixed to each other

with the double-sided pressure-sensitive adhesive tape of claim 1. However,

Kameyama teaches a liquid crystal element. Further Kameyama teaches that it is

preferred that the components have been bonded and united with each other through a

pressure-sensitive adhesive (column 14, lines 8-10). Thus, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to use the

liquid crystal element as disclosed by Kameyama and bonded the components with the

double-sided adhesive tape of Vesley, motivated by the desire to bond the components

of liquid crystal element.

### ***Response to Arguments***

5. Applicant's arguments filed 02/16/07 have been fully considered but they are not

persuasive.

Applicant argues that Vesley discloses coloring of the pressure-sensitive

adhesive (PSA) layer and does not teach or suggest anything about colored substrate

or colored flexible support. The Examiner respectfully disagrees. There is no

requirement in claims that the substrate or the supporting substrate cannot be made of

a PSA layer. As previously noted above in paragraph 3 and in 10/18/06 Office Action,

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Vesley teaches that the PSA tape of his invention comprises one or more PSA layers (abstract). Thus, as previously noted the examiner is equating one or more layer(s) of pressure-sensitive adhesive as a substrate and other layer of PSA as a supporting substrate. Further, as to the coloring requirement, it is noted that according to Vesley "At least one layer of the pressure-sensitive adhesive comprises pigment-coated microbubbles; additional layers may comprise additional pigment-coated microbubbles, coated with similar or differing pigments, or uncoated microbubbles." (column 7, lines 31-40). Thus, it is the examiner's position that there can be more than one PSA layer with same or different color present in the PSA tape of Vesley.

To the Examiner, the difference between the claimed invention and prior art is that the reference of Vesley does not explicitly teach colored layers and the arrangement of the colored layers as required by the claims. It is the Examiner's position that in absence of any unexpected results, one in the possession of Vesley's invention can easily choose colored layers and the arrangement of the colored layers as required by the claims, because choosing desired color and arranging them in an order to form an esthetically pleasing PSA tape involve a routine skill in the art. Additionally, Vesley teaches that the adhesive tape of the invention can have any desired color (column 2, lines 53-54). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the PSA tape substrate of Vesley comprising colored layers comprising a white layer, a layer of color other than white and black which is a silver layer, and a black layer which are superposed in this order, supporting substrate is a transparent substrate film, and supporting substrate is a

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white substrate film, motivated by the desire to provide aesthetically pleasing pressure-sensitive adhesive tape.

It is noted from the specification that having colored layers of specific colors and arranging them in a specific order may be useful in the liquid crystal display (LCD) technology, but claims (i.e. independent claim) do not recite such use and limitation from the specification cannot be read into the claims.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Desai whose telephone number is 571-272-6467. The examiner can normally be reached on Monday-Friday, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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